



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP - 6 2005

Ref: 8ENF-UFO

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Mr. Steve Sturtz, Owner
Dillon Auto Repair
2050 North U.S. Highway 91
Dillon, MT 59725

Re: UNDERGROUND INJECTION
CONTROL PROGRAM (UIC)
Proposed Order and Penalty Complaint
with Notice of Opportunity for Hearing

Dear Mr. Sturtz:

The enclosed document is a Proposed Order and Penalty Complaint with Notice of Opportunity for Hearing ("Order") for violations of the Safe Drinking Water Act ("SDWA"). Please carefully read the Order soon, since it describes Dillon Auto Repair's rights and responsibilities in this matter as well as EPA's authority, the factual basis of the violations, and the background for the proposed penalties. Also enclosed is a copy of the Rules of Practice that govern these proceedings, the required Public Notice associated with this Order and, in case Dillon Auto Repair meets the criteria, an information sheet about the Small Business Regulatory Fairness Act.

Dillon Auto Repair is required to take action within 30 calendar days of your receipt of this Order to avoid the possibility of having a default judgment entered against Dillon Auto Repair that could impose the penalty amount proposed in the Order.

Whether or not Dillon Auto Repair requests a hearing, we encourage an informal conference with EPA concerning the alleged violations in an effort to negotiate a settlement. Dillon Auto Repair may wish to appear at an informal conference and/or be represented by legal counsel. To arrange for such a conference, Dillon Auto Repair should contact Marc Weiner, Enforcement Attorney, Legal Enforcement Program, at the number provided below. Request for such a conference does not extend the 30 calendar day period during which a request for hearing must be submitted.



Printed on Recycled Paper

Public Notice of EPA's Order and the opportunity to provide written comments on the Order is being provided pursuant to section 1423 (c)(3)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B). Should a hearing be held, any person who comments on the Order has a right to participate in the hearing.

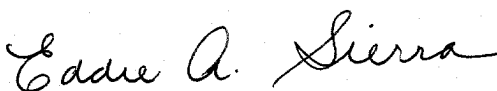
If Dillon Auto Repair has technical questions relating to this matter, the person most knowledgeable on my staff is Britta Campbell Copt, UIC Enforcement Team, Technical Enforcement Program, at 1-800-227-8917 ext. 6229 or (303) 312-6229. For all legal questions, the person most knowledgeable on my staff is Marc Weiner at 1-800-227-8917 ext. 6913 or (303) 312-6913. Ms. Copt and Mr. Weiner can also be reached at the following addresses:

Britta Campbell Copt (Mail Code 8ENF-UFO)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466, or

Marc Weiner (Mail Code 8ENF-L)
Enforcement Attorney
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

We urge Dillon Auto Repair's prompt attention to this matter.

Sincerely,

for 
Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Proposed Administrative Order
and Opportunity to Request Hearing
40 C.F.R. Part 22
Public Notice
U.S. EPA Small Business Resources Fact Sheet

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. **SDWA-08-2005-0053**

2005 SEP -6 PM 2:41

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:

Steve Sturtz d/b/a
Dillon Auto Repair

Respondent.

)
)
) **PROPOSED ORDER AND PENALTY**
) **COMPLAINT WITH NOTICE OF**
) **OPPORTUNITY FOR HEARING**
)
)

INTRODUCTION

1. This civil administrative enforcement action is authorized by Congress in section 1423(c) of the Public Health Service Act, also known as the Safe Drinking Water Act (SDWA or the Act). 42 U.S.C. 300h-2(c). The Environmental Protection Agency (EPA) regulations authorized by the SDWA are set out in part 144 of title 40 of the Code of Federal Regulations (C.F.R.), and violations of the statute, permits, or EPA regulations constitute violations of the Act. The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits ("Rules of Practice")," 40 C.F.R. part 22, a copy of which is enclosed..

2. The undersigned EPA official has been properly delegated the authority to issue this Proposed Order and Penalty Complaint with Notice of Opportunity for Hearing (complaint).

3. EPA alleges that Steve Sturtz d/b/a Dillon Auto Repair (Respondent) has violated the Act and proposes the assessment of a civil penalty and compliance measures, as more fully explained below.

NOTICE OF OPPORTUNITY FOR A HEARING

4. Respondent has the right to a public hearing before an administrative law judge to disagree with any factual allegation made by EPA in the complaint, the appropriateness of the proposed penalty, or to present the grounds for any legal defense it may have.

5. To disagree with the complaint and assert its right to a hearing, Respondent must file a written answer (and one copy) with the Region 8 Hearing Clerk at the following address:

Region 8 Hearing Clerk
999 18th Street, Suite 300 (8RC)
Denver, Colorado 80202

within 30 calendar days of receiving this complaint. The answer must clearly admit, deny or explain the factual allegations of the complaint, the grounds for any defense, the facts you may dispute, and your specific request for a public hearing. Please see section 22.15 of the Rules of Practice for a complete description of what must be in the answer. **FAILURE TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN 30 CALENDAR DAYS MAY WAIVE RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS OR PROPOSED PENALTY, AND RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF THE PENALTY PROPOSED IN THE COMPLAINT, OR UP TO THE MAXIMUM AUTHORIZED BY THE ACT.**

QUICK RESOLUTION

6. Respondent may resolve this proceeding at any time by permanently closing the motor vehicle waste portion of its [Class V] disposal system (well) and paying the penalty amount proposed in the complaint. Such action to close the well and make payment need not contain any response to, or admission of, the allegations in the complaint. Such action to close the well and make payment constitutes a waiver of Respondent's right to contest the allegations and to appeal the final order. See section 22.18 of the Rules of Practice for a full explanation of the quick resolution process.

SETTLEMENT NEGOTIATIONS

7. EPA encourages discussing whether cases can be settled through informal settlement conferences. If Respondent wants to pursue the possibility of settling this matter, or has any other questions, contact Marc Weiner, Enforcement Attorney, at [1-800-227-8917 ; extension 6913 or 303-312-6913] or at the address identified in paragraph 31 herein. **Please note that calling Mr. Weiner or requesting a settlement conference does NOT delay the running of the 30 day period for filing an answer and requesting a hearing.**

GENERAL ALLEGATIONS

The following general allegations apply to all times relevant to this action, and to each count of this complaint:

8. Pursuant to section 1422 of the Act, 42 U.S.C. § 300h-1, and 40 C.F.R. part 147 subpart BB, section 147.1351, EPA administers the Underground Injection Control (UIC) program for Class I, III, IV, and V wells in the State of Montana. The effective date of the program is June 25, 1984. The program requirements are located at 40 C.F.R. Parts 124, 144, 146, 147, and 148.

9. On February 21, 2003, EPA sent a letter to Dillon Auto Repair requesting Class V Injection Well Inventory Information. The letter was received by Respondent on February 28, 2003. The letter required Dillon Auto Repair to return a completed Shallow Disposal Well Inventory Request Form to the Agency within 30 days of receipt of the letter.

10. Dillon Auto Repair did not respond to the February 21, 2003 letter.

11. On April 22, 2003, an EPA representative performed a routine follow-up inspection of the Dillon Auto Repair facility.

12. There were two floor drains in the shop area that connected to a septic tank. Motor vehicle maintenance was performed in the shop area.

13. Motor vehicle waste disposal wells are defined at 40 C.F.R. §144.81(16) as follows: "Motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work."

14. Respondent's disposal system, as identified in the inspection in paragraph 11 above, is classified as a "Class V Injection Well" as defined by 40 C.F.R. §144.6 and §146.5 and is a motor vehicle waste disposal well as defined by 40 C.F.R. §144.81(16). Respondent is currently authorized by rule (40 C.F.R. §144.24) to operate the disposal system described above. Respondent is therefore subject to applicable requirements of 40 C.F.R. §§ 124, 144 and 146.

15. As authorized by 40 C.F.R. §144.12(c) and (d) and 40 C.F.R. §144.88(b), on July 16, 2003, EPA mailed a UIC Shallow Injection Well Program letter to Respondent. The letter was received by Respondent on July 18, 2003. The letter required the Respondent to either:

a. submit a completed permit application by September 18, 2003, or

b. submit a plan for permanent closure of the motor vehicle waste disposal portion of the system (including a written schedule and plan for alternative disposal of the waste) by August 18, 2003 and permanently close that portion of the system by December 15, 2003. Once the system was closed or retrofitted, documentation needed to be provided to EPA including an as-built sketch of the drain system showing where the changes had been made.

16. Dillon Auto Repair did not respond to the July 16, 2003 letter.

17. On September 10, 2003, EPA contacted Steve Sturtz to discuss closure options (to the holding tank) for the disposal system. During this discussion, Mr. Sturtz stated that the

system was currently still open. Mr. Sturtz was informed that Respondent was in non-compliance with the closure requirement since August 18, 2003. Mr. Sturtz stated that he was aware of the requirement and that he planned to close the system by cementing the drain.

18. On October 6, 2004, an EPA representative performed a post-closure inspection of the Dillon Auto Repair facility.

19. There were two floor drains in the shop area that connected to a septic tank. Motor vehicle maintenance was performed in the shop area.

20. To date, EPA has not been notified by Respondent, verbally or in writing, that the disposal system has been closed.

21. The Respondent, Steve Sturtz d/b/a Dillon Auto Repair, is an individual.

22. Respondent is a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

23. Respondent, at all times pertinent hereto, owned and operated a facility that includes a maintenance shop where motor vehicle repair occurs, located at 2050 North U.S. Highway 91, Dillon, Montana.

24. Beneath the disposal system are underground sources of drinking water (USDWs), including but not limited to the shallow Northern Rocky Mountains Intermontane Basin Aquifer System.

COUNT 1

25. Respondent is in violation of 40 C.F.R. §144.26(d) and 40 C.F.R. §144.83(a) by failing to submit for each Class V well: facility name and location; name and address of legal contact; ownership of facility; nature and type of injection well(s); and operating status of injections well(s). The Respondent's failure to submit this information prohibits the Agency from protecting USDWs. The duration of the Respondent's violations is from March 28, 2003 to the present.

COUNT 2

26. Respondent is in violation of 40 C.F.R. §144.12(c) and (d) and 40 C.F.R. §144.88(b) for failure to submit a written schedule for retrofitting the facility and/or plugging the drain(s), and an alternative disposal plan for its waste fluids. The duration of Respondent's violations for failure to submit a written schedule for closure of the Class V disposal system is from August 18, 2003 to the present.

COUNT 3

27. Respondent is in violation of 40 C.F.R. §144.12(a) and 40 C.F.R. §144.88(b) for failure to close or retrofit the Class V disposal system in a manner that would keep contaminants from entering a USDW. The duration of Respondent's violations for failure to close or retrofit the Class V disposal system is from December 15, 2003 to the present.

PROPOSED ORDER WITH ADMINISTRATIVE CIVIL PENALTY

28. The Act authorizes the assessment of a civil penalty of up to \$32,500 per day, for each violation of the Act, 42 U.S.C. § 1423(b). The Act requires EPA to take into account the following factors in assessing a civil penalty: the nature, circumstances, extent and gravity of the violation; any economic benefit or savings gained resulting from the violation; Respondent's history of such violations; Respondent's culpability for the violation; Respondent's good-faith efforts to comply with applicable requirements; the economic impact of the penalty on the Respondent; and other factors that justice may require.

29. In light of the statutory factors and the specific facts of this case, EPA proposes that a penalty of twenty-eight thousand dollars (\$28,000.00) be assessed against Respondent for the violations alleged above, as explained below:

Nature, Circumstances, Extent, and Gravity of Violations

Respondent owns the property and had the ability and means to comply by closing or retrofitting the waste disposal system to prevent movement of fluids to a USDW that may endanger the health or persons.

Prior Compliance History

This Order is the first enforcement action EPA Region 8 has issued to Respondent requiring compliance with the applicable UIC regulations.

Good-Faith Efforts to Comply

Respondent had not made an effort to make changes to the disposal system by the required date.

Degree of Culpability

Respondent should have been aware of all UIC requirements prior to EPA's first contact. On July 16, 2003, when Respondent received EPA's UIC Shallow Injection Well Program letter (see paragraph 16, above), Respondent had actual notice of the requirements.

Economic Benefit

An economic benefit was experienced by Respondent for failure to permit or close its Class V well.

Ability to Pay

EPA did not reduce the proposed penalty due to this factor, but will consider any new information Respondent may present regarding Respondent's ability to pay the penalty proposed in this Complaint.

Other Matters that Justice may Require

No adjustments made regarding these factors at this time.

30. Additionally, Respondent shall comply with the requirements of 40 C.F.R. §144.12(c)(1) and (2) and 40 C.F.R. §144.88(b), by permanently closing the motor vehicle waste portion of the Class V disposal system pursuant to a plan submitted to and approved by EPA. Respondent shall submit the plan to:

Britta Copt (8ENF-UFO)
UIC Program
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466.

31. Respondent's payment of the penalty shall be made by money order or certified check made payable to "Treasurer, United States of America" and mailed to the following address:

EPA - Region 8
Regional Hearing Clerk
P.O. Box 360859
Pittsburgh, Pennsylvania 15251.

A copy of said check shall be mailed to the following address:

Marc Weiner (8ENF-L)
Enforcement Attorney
U.S. EPA - Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466.

32. As required by the Act, prior to the assessment of a civil penalty , EPA will provide public notice of the proposed penalty, and reasonable opportunity for the people to comment on the matter, and present evidence in the event a hearing is held. 42 U.S.C. § 1423(c)(3)(B).

33. The Administrative Law Judge is not bound by EPA's penalty policy or the penalty proposed by EPA, and may assess a penalty above the proposed amount, up to the \$32,500 per day per violation authorized in the statute.

34. This Complaint does not constitute a waiver, suspension, or modification of the requirements of any applicable provision of the Act or the UIC regulations implementing the Act, which remain in full force and effect. Issuance of this Complaint is not an election by the EPA to forego any civil or any criminal action otherwise authorized under the Act.

Issued this 6 day of September, 2005.

for Edue A. Sierra
Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
PROPOSED ORDER AND PENALTY COMPLAINT
WITH NOTICE OF OPPORTUNITY FOR HEARING
AGAINST
STEVE STURTZ D/B/A DILLON AUTO REPAIR
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Proposed Order and Penalty Complaint with Notice of Opportunity for Hearing (PO) [Docket No. ~~SDWA-08~~-2005-0053] that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue against Steve Sturtz d/b/a Dillon Auto Repair, 2050 North U.S. Highway 91, Dillon, Montana. The PO alleges violations of the Underground Injection Control (UIC) regulations and proposes remedies and monetary penalties for the alleged violations. The PO is issued under the UIC provisions of the Safe Drinking Water Act (SDWA) and the Act's implementing regulations. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW).

The EPA desires to receive written comments from any interested party having knowledge of the alleged violations, or who can provide any information useful to ensure that the proposed remedies are appropriate. EPA will review any comments received on the PO, and will thereafter determine whether to modify or withdraw the PO or whether to modify the proposed penalty and/or compliance requirements.

BACKGROUND

Part C of the SDWA requires the EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered. Section 1421 of the SDWA requires EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of Montana; therefore, EPA administers the program in accordance with title 40 of the Code of Federal regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The Class V disposal system which is the subject of this PO, owned and operated by Steve Sturtz d/b/a Dillon Auto Repair, is located at 2050 North U.S. Highway 91, Dillon, Montana. A Class V injection well, pursuant to 40 C.F.R. 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW. The well subject to this PO is of the subclass titled "motor vehicle waste disposal well," and is used to dispose of internal combustion engine repair and maintenance facility wastes.

The PO alleges that Steve Sturtz d/b/a Dillon Auto Repair is in violation of UIC regulations and is subject to appropriate penalties and fines for failing to: (a) prevent movement of fluids into a USDW that may cause a violation of a primary drinking water regulation under 40 C.F.R. Part 142 or otherwise adversely affect the health of persons, (b) to close or retrofit the Class V disposal system in a manner that would keep contaminants from entering a USDW and (c) to submit for each Class V well: facility name and location; name and address of legal contact; ownership of facility; nature and type of injection well(s); and operating status of injections well(s). The PO proposes that EPA assess an administrative civil penalty in the amount of twenty-eight thousand dollars (\$28,000.00) and orders Steve Sturtz d/b/a Dillon Auto Repair to cease discharging into the present system immediately and submit to EPA a plan in writing to permanently close the discharge system.

PUBLIC COMMENTS

Written comments on the PO are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by Steve Sturtz d/b/a Dillon Auto Repair will be available for public review as part of the Administrative Record, subject to the provisions of law restricting the disclosure of confidential information. Steve Sturtz d/b/a Dillon Auto Repair may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The Order, as proposed, and the Administrative Record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the Administrative Record call Marc Weiner, Enforcement Attorney, Legal Enforcement Program, EPA Region 8, at (303) 312-6913 before visiting the EPA Region 8 offices.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

A copy of the PO will also be available for public review Monday-Friday between 8:00 a.m. and 5:00 p.m. at the Beaverhead County Clerk/Recorders Office, 2 South

Pacific, Dillon, Montana.

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Britta Campbell Copt in the UIC program, EPA Region 8, at (303) 312-6229.

THE DECISION

EPA will review and consider all public comments received on the PO and will thereafter determine whether to modify or withdraw the PO or whether to modify the proposed penalty and/or compliance requirements. If the PO is revised, copies shall be provided to all parties and to all members of the public who have commented.

Date of Publication

Elisabeth Evans, Director *Elisabeth Evans*
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-3466

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

